

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTIN J. BIBBS, H03951,
Plaintiff,
v.
REICH, Correctional Officer, et al.,
Defendant(s).

Case No. [21-cv-06079-CRB](#) (PR)

ORDER OF DISMISSAL


On March 15, 2023, the court granted defendants' motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) on the ground that plaintiff's arguably cognizable claims under 42 U.S.C. § 1983 are barred by the applicable statute of limitations except for one claim – that on October 24, 2021, Dr. Ikegbu “refused to see [plaintiff]” and “failed to provide any pain management.” ECF No. 42 at 5 (quoting ECF No. 12 at 5). But the court dismissed the October 24, 2021 claim against Dr. Ikegbu for lack of sufficient facts to support a § 1983 claim for damages based on deliberate indifference to serious medical needs and granted plaintiff leave to amend to set forth specific facts showing how Dr. Ikegbu was deliberately indifferent to plaintiff's serious medical needs, if possible. *Id.* at 5. The court warned plaintiff that “[f]ailure to file a proper amended complaint within [28 days] will result in the dismissal of this action.” *Id.* at 6.

More than 36 days have passed since the court's March 15, 2023 order and plaintiff has neither filed an amended complaint nor sought an extension of time to do so. This action accordingly is DISMISSED.

The clerk is directed to close the case and terminate all pending motions as moot.

IT IS SO ORDERED.

Dated: April 21, 2023


CHARLES R. BREYER
United States District Judge